# Document No. 3762 Voted at Meeting of 4/12/79

## April 12, 1979

3762

BOARD OF APPEAL REFERRALS

1.	Z-4349	Riley's Roast Beef 130-140 Brighton Avenue, Allston
2.	Z-4360-4361 and 4390	Relocation Leasing Corp. Robert M. Malloy Glenside, Inc. (lessee) 43-63 Robinwood Avenue and 36 Burrage Street, Jamaica Plain
3.	Z-4363	James Jackson Putnam Children's Center 244 Townsend Street, Roxbury
4.	Z-4365	Dare, Inc. 15 Virginia Street, Dorchester
5.	Z-4368	Masstex Enterprises, Inc. 1243-1247 Blue Hill Avenue, Mattapan
6.	Z-4371	Richard Morris 848-450B Blue Hill Avenue, Dorchester
7.	Z-4378	William Wahlquist 157 Neponset Valley Parkway, Hyde Park
8.	Z-4388	Leo Darish 125 Cambridge Street, Charlestown
9.	Z-4391-4392	Trustees of Boston College 2599 Beacon Street and 50 St. Thomas More Road, Brighton
10.	Z-4402	Donald Taub, Trustee 543-437 Boylston Street, Boston

#### **MEMORANDUM**

TO:

BOSTON REDEVELOPMENT AUTHORITY

FROM:

Robert J. Ryan, Director

SUBJECT:

BOARD OF APPEAL REFERRALS

Hearing: 5/8/79

Z - 4349

Riley's Roast Beef

130-140 Brighton Avenue

Allston

At Harvard Avenue

Two story masonry structure - B-1

waterfront manufacturing

single family

Purpose: Change occupancy from restaurant, Bank,

offices to two restaurants, bank, offices, social

club.

Violation(s):

Section

Required

Proposed

23-2 Off street parking is insufficient

Lack of off street parking for these commercial facilities would continue to increase the serious traffic problems in and around this congested intersection. Community is strongly opposed to the petition. Recommend Denial.

In reference to Petition Z-4349, brought by Riley's Roast Beef, 130-140 Brighton Avenue, Allston, for a variance for change of occupancy from restaurant, bank, offices to two restaurants, bank, offices, social club in a General Business (B-1) District, the Boston Redevelopment Authority recommends denial. Lack of off street parking for these commercial facilities would continue to increase the serious traffic problems in and around this congested intersection. Community

is strongly opposed to the petition.



66 spaces

Board of Appeal Referrals 4/12/79

Hearing: 4/17/79

Z-4360-4361-4390 Relocation Leasing Corp Robert M. Malloy Glenside Inc (Lessee) 49-63 Robinwood Avenue & 36 Burrage St., Jamaica Plain

Hospital Complex - R-.5

District(s): general business apartment industrial residential R-.5 local business waterfront single family manufacturing

Erect a three story hospital structure; erect two Purpose: additions; use premises for accessory parking and

recreation yard.

## Violation(s).

23 - 3

Section		Required	Proposed
8-7	Hospital is forbidden in an R5 District.		
8-7	Nursing Home is forbidden in an R5 District		
8-7.	Ancillary parking is conditional in an R5 District	real garag	
16-1.			3 stories 40 ft.

Off street parking is insufficient 123 spaces

Proposal will allow Glenside, a private tax paying Psychiatric hospital, to meet requirements of State and Federal regulatory agencies. The attached memo of understanding is the result of a six month planning process involving BRA staff, Glenside Hospital and Robinwood-Parley Neighborhood Association. Based on Memo of Understanding Recommend Approval with Provisos.

#### Z-4360-4361-4390 - continued

VOTED: In reference to Petitions Z-4360-4361-4390, brought by Relocation Leasing Corp., Robert Malloy and Glenside Inc., 49-63 Robinwood Avenue and 36 Burrage Street, Jamaica Plain, for two forbidden uses, a conditional use and four variances to erect a three story hospital structure, erect two additions and use premises for accessory parking and recreation yard in a Residential (R-.5) District, the Boston Redevelopment Authority recommends approval with the following provisos:

- -That the conservation restriction as indicated on page 138 of the Glenside Hospital Long Range Plan, dated April 1979, be granted and land maintained by Glenside Hospital;
- -That the current administration building, 71 Robinwood Avenue, be renovated and restored to a two family dwelling; that the asphalt parking area surrounding the building be removed and landscaped except that necessary for the residential structure; that the building be returned to the private real estate market and listed for sale within nine months of completion of proposed construction;
- -That the chain link fence and asphalt at "old" recreation area, 6 Parley Vale, be removed and replaced with wood fence and landscaping; that the wood fence not have a gate at top as existing;
- -That all contractors' trucks be prohibited from all private ways, including Parley Avenue, Parley Vale and Locksley Avenue; that truck traffic be controlled and restricted between the entrance to the hospital and Locksley Avenue; that all contractors' heavy trucks be prohibited on the Robinwood Avenue side of construction site before 7:30 am:
- -That outpatient and aftercare visits not exceed 27 per day (based on off street parking limitations);
- -That plans, including landscaping be submitted to the Authority for design review.

Attached herewith is a memo of understanding for Board of Appeal information and review. This memorandum is the result of a six month planning process involving Authority staff, Glenside Hospital and Robinwood-Parley Neighborhood Association.

### Revised Understanding

The Glenside Hospital and the Robinwood-Parley Association, comprising community residents and building owners in the area surrounding the hospital, have consulted with one another in six meetings, at the Agassiz School beginning September 13, 1978 and ending December 12, 1978. A seventh meeting was held at the Agassiz School on February 20, 1979, and an eighth meeting was held at the Boston Redevelopment Authority on March 8, 1979 to consider certain revisions to the understandings. The following list represents the understandings as revised. All understandings are expressly contingent upon the approval of the requested variances, other regulatory approvals, and upon the issuance of the necessary building permits.

- 1. All construction of buildings will be limited to the land above the cliff.
- 2. Construction below the cliff will be limited to the construction of a parking lot, recreation area and stairway or other means of access to the upper land, as well as attendant lighting, landscaping and fencing.
- 3. A conservation restriction will be filed with respect to the land depicted as the shaded area on the Plan annexed hereto as "Exhibit A", and such restriction will guarantee no development of the land.
- 4. Seventy-one Robinwood Avenue, currently the Administration Building of Glenside Hospital, will be renovated to a private

two-family residential dwelling. The asphalt parking area surrounding the building will be removed, except for those portions necessary for a residential building. The portion of the parking area removed will be relandscaped. Once renovated, the building will be returned to the private real estate market and will be listed for sale within nine months of the completion of the proposed construction.

- 5. No additional land or buildings in the RobinwoodParley area (including Enfield Street, Locksley Avenue and the even numbered side of Center Street between Robinwood and Parley Avenue) will be purchased by Glenside Hospital, its directors or affiliates.
- 6. Glenside Hospital will exercise its options to purchase the land owned by Relocation Leasing and Robert Malloy prior to beginning construction of the project.
- 7. The "old" recreation area at 6 Parley Vale will be renovated by removing the chain link fence and replacing it with a wood fence and by removing the asphalt and landscaping the area. The wood fence will not have a gate at the top as presently exists.
- 8. Each significant tree (above the diameter of 12") that is removed during construction will be replaced by three Canadian Hemlocks of 4" diameter each. Glenside Hospital will provide proper foliage screening of the "new" recreation area.
- 9. In the design of the new Parker Building, the architect will create a setback of 25 ft. from Robinwood Avenue, and a minimum setback of 70 ft. from both Locksley Avenue and Parley Vale.
- 10. A sidewalk will be built along the Glenside Hospital side of Robinwood Avenue. Landscaping will be provided where any brush is removed.

- 11. The architect will design and replace the Glenside Hospital interim sign on Robinwood Avenue.
- 12. The architect will specify in the construction documents:

All contractors and subcontractors may not use private ways, including Parley Avenue, Parley Vale and Locksley Avenue for the passage of trucks; Truck traffic will be controlled and restricted in the stretch between the entrance to the hospital and Locksley Avenue;

All contractors and subcontractors will not allow heavy trucks on the Robinwood Avenue side of the construction site before 7:30 a.m.

- 13. A traffic study of Robinwood Avenue traffic will be provided by Glenside Hospital before the Board of Appeals hearing.
- 14. Glenside Hospital will be responsible for maintenance of the conservation land referred to in understanding No. 3. The telephone operator at Glenside Hospital will receive calls regarding security on the conservation land and will call police.
- 15. Residents of the Robinwood-Parley area will be permitted to participate in any design review process for the project, provided that such participation not be reason for delay in the scheduling of any design review meetings. At least one week's notice shall be provided for all design review meetings.
- 16. Outpatient and aftercare visits at the hospital will be limited to 27 visits per day.
- 17. Glenside Hospital and the Robinwood-Parley Association will meet on a regular basis during the construction period for the purpose of information exchange and problem solving.



Z - 4363

Hearing:

4/17/79

James Jackson Putnam Children's Center 244 Townsend Street Near Warren Street

Three Story Structure - H-1

apartment H-1 District(s):

residential single family

general business industrial local business waterfront

manufacturing

Purpose:

Change occupancy from Psychiatric Day

Clinic for children to Psychiatric Day Clinic

for 49 children.

Violation(s):

Section

Required

Proposed

9-1. Extension of a non-conforming use requires Board of Appeals Hearing

Facility has existed at site since 1943. Petition would extend services to additional ten children. No opposition. Recommend Approval.

VOTED:

In reference to Petition Z-4363, brought by James Jackson Putnam Children's Center, 244 Townsend Street, Roxbury, for an extension of a non-conforming use for change of occupancy from Psychiatric Day Clinic for children to Psychiatric Day Clinic for 49 children in an apartment (H-1) District, the Boston Redevelopment Authority recommends approval. Proposal would provide services beneficial to the community.



Hearing: 5/1/79

Z-4365
Dare Inc.

15 Virginia Street, Dorchester

Near Dudley Street

2½ story frome structure - R-.8

District(s): apartment

apartment\_\_\_\_\_ general business

general business\_\_\_\_\_ industrial\_ local business\_\_\_\_ waterfront\_

residential R-.8 single family

manufacturing

Purpose:

Change occupancy to Group

Residence for ten boys.

Violation(s):

Section Required Proposed

8-7. Group care residence is forbidden in an R-.8 District

14-2. Lot area is insufficient

11,000 sf 5,520

Four halfway houses are presently located on Virginia Street. Proposed facility would be the fifth in a row of seven houses. Directors of Dare (Dynamic Action Residence Enterprise) have been unresponsive to neighborhood concerns in location and operation of the use. Another half way house or similar facility would significantly affect this neighborhood struggling to stabilize conditions. Residents are over whelmingly opposed. Recommend Denial.

VOTED:

In reference to Petition Z-4365, brought by Dare Inc., 15 Virginia Street, Dorchester, for a forbidden use and variance for a change of occupancy to group residence for ten boys in a residential (R-.8) District, the Boston Redevelopment Authority recommends denial. Four halfway houses are presently located on Virginia Street. Proposed facility would be the fifth in a row of seven houses. Dare Directors have been unresponsive to neighborhood concerns in location and operation of the use. Another halfway house or similar facility would significantly affect this neighborhood struggling to stabilize conditions. Residents are overwhelmingly opposed.



Hearing: 4/17/79

Z-4368
Masstex Enterprises Inc.
1243-1247 Blue Hill Avenue
Mattapan
At Goodale Road

One story masonry structure - L-.5

District(s):

apartment\_\_\_\_\_residential

single family

general business
local business
L-.5

industrial\_\_\_\_\_waterfront

manufacturing

Purpose:

Erect one story restaurant structure

Violation(s):

Section

Required

Proposed

8-7. Sale over the counter of on premises prepared food or drink for off premises consumption, or for on premises consumption if, as so sold, such food or drink is ready for take out, is conditional in an L-.5 District

Proposed take out and eat in restaurant (Church's Fried Chicken) would replace a closed and abandoned gas station - service garage. Seating would accommodate 20 customers. Adequate off street parking is indicated on plan. Neighborhood and Little City Hall have no objections. Recommend Approval with proviso.

VOTED: In reference to Petition Z-4368, brought by Masstex Enterprises Inc., 1243-1247 Blue Hill Avenue, Mattapan, for a conditional use to erect a one story restaurant structure in a local business (L-.5) District, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review.



Hearing: 5/1/79

Z - 4371

Richard Morris

848-850B Blue Hill Avenue, Dorchester

near Talbot Avenue

One-story masonry structure

District(s):

apartment

general business local business L-1

industrial

waterfront

residential

single family

manufacturing

Purpose:

To change occupancy from retail stores to office for sale of used

cars, outdoor display of used cars, and auto rental agency.

Violation(s):

Section

Required Proposed

- 8-7. Outdoor sale or display for sale of new or used motor vehicles is forbidden in an L-1 district.
- 8-7. Auto rental agency is forbidden in an L-1 district.

Little City Hall and community groups have no objections to proposal. Recommend approval with proviso.

VOTED:

In reference to Petition Z-4371, brought by Richard Morris, 848-850B Blue Hill Avenue, Dorchester, for two forbidden uses for change of occupancy from retail stores to office for sale of used cars, outdoor display of used cars, and auto rental agency in a local business (L-1) district, the Boston Redevelopment Authority recommends approval provided plans including landscaping and circulation are submitted to the Authority for design review.



Hearing: 5/1/79

Z-4378
William Wahlquist
157 Neponset Valley Parkway
Hyde Park
Near Buckingham Street

2½ story masonry structure - R-.5

District(s): apartment general business industrial residential R-.5 local business waterfront manufacturing

Purpose: Change occupancy from four to six apartments

Violation(s):
 Section

Required Proposed

- 8-7. Any dwelling converted for more families which does not meet the requirements of open space is forbidden in an R-.5 District
- 17-1. Open space is insufficient

Occupancy will be consistent with abutting apartment structures. Recommend Approval with Proviso.

VOTED: In reference to Petition Z-4378, brought by William Wahlquist, 157 Neponset Valley Parkway, Hyde Park, for a forbidden use and a variance for a change of occupancy from four to six apartments in a Residential (R-.5) District, the Boston Redevelopment Authority recommends approval provided that parking be no closer than ten feet from building.



4/17/79

Z-4388

Leo Darish

125 Cambridge Street

Charlestown

At Crescent Street

Two story frame structure-one story masonry structure B-1

District(s): apartment

general business B-1 industrial

residential single family

local business waterfront

manufacturing

Purpose:

Hearing:

Erect one story addition to repair shop garage

Violation(s):

Section

Required

Proposed

8-6 Addition to a conditional use requires Board of Appeal Hearing.

Two story frame structure would be replaced by proposed addition. No adverse impact on this commercial area. Recommend Approval with Proviso.

VOTED:

In reference to Petition Z-4388, brought by Leo Darish, 125 Cambridge Street, Charlestown, for a conditional use to erect a one story addition to a repair garage in a General Business (B-1) District, the Boston Redevelopment Authority recommends approval provided plans are submitted to the Authority for design review.



Petitions Z-4391-4392

Trustees of Boston College

2599 Beacon Street & 50 St. Thomas

More Road, Brighton

College Complex - R-.5

Hearing: 4/17/79

District(s): apartment

apartment general business industrial residential R-.5 local business waterfront manufacturin

manufacturing

single family

Erect three story 800 car garage; erect two story

theatre, office and classroom structure.

Violation(s):

Section

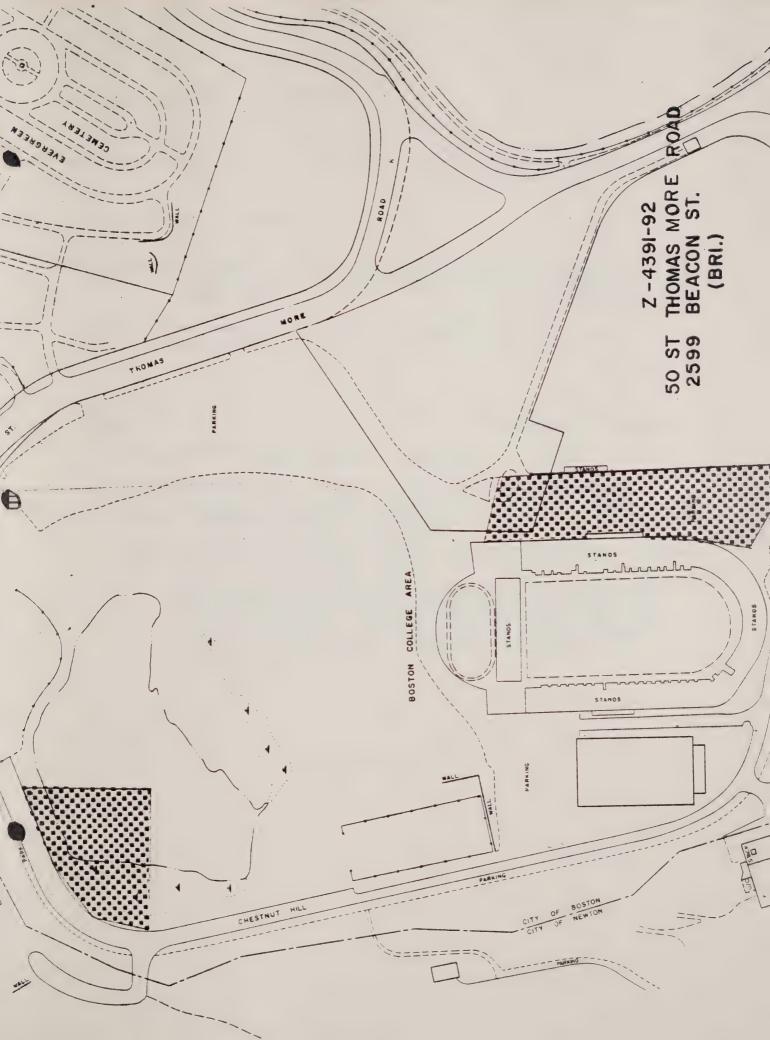
Purpose:

Required Proposed

- 8-7. A College or university granting degrees by Authority of the Commonwealth is conditional in an R-.5 District.
- 8-7. Parking garage is forbidden in an R-.5 District
- 16-1. Height of building is excessive (Gar) 2 stories 3 stories (theatre) 35 feet 65 feet

Garage will be constructed adjacent to Alumni Stadium in two phases. Phase one with accommodations for 429 cars has been reviewed with staff. Theatre and Arts building will abut existing modular housing. All construction on campus. Recommend approval with provisos.

VOTED: In reference to Petitions Z-4391-4392, brought by Trustees of Boston College, 2599 Beacon Street and 50 St. Thomas More Road, Brighton, for a conditional use, a forbidden use and two variances to erect a three story 800 car garage and a two story theatre-office-classroom structure in a Residential (R-.5) District, the Boston Redevelopment Authority recommends approval of phase one 429 car garage and theatre-art building with following provisos: That Boston College Master Plan be finalized within six months of this approval; that Boston College submit progress report on additional Allston-Brighton Programs within six months of this approval; that plans including landscaping be submitted to the Authority for design review.



Hearing: 5/1/79

Z-4402 Donald Taub, Trustee 543-547 Boylston Street, Boston Near Clarendon Street

13 story structure - B-10-155

District(s):		general businessB-10-155	industrial
	residential	local business	waterfront
	single family		manufacturing

Purpose: Change occupancy from offices and stores to offices, stores

and restaurant.

Violation(s):
 Section

Required Proposed

8-7 Restaurant with entertainment is conditional in a B-10-155 District.

Abutting Restaurant (Kens at Copley) would expand into basement and patio of this commercial structure. Neighborhood Associations have no objections. Recommend approval with Provisos.

VOTED: In reference to Petition Z-4402, brought by Donald Taub, Trustee, 543-547 Boylston Street, Boston, for a conditional use for a change of occupancy from offices and stores to offices, stores and restaurant in a General Business (B-10-155) District, the Boston Redevelopment Authority recommends approval with the following provisos: That exterior liquor service terminate at 11:00 PM; that plans be submitted to the Authority for design review.

Section 21-1

Pearl Street 59.5' required; 17' provided. Setback of Milk Street 53.5' required; 1' provided. Oliver Street 5.5' required; none provided. Milk Street parapet:

\*"O"-"H" Line 66.6' required; none provided.

Section 24-1

Off-street 8 required; 4 provided. loading bays

Section 24-2

 $10^{1} \times 25^{1} \times 14^{1}$ ; 1 bay is  $10^{1} \times 25^{1} \times 12.5^{1}$ ; Required size

3 are  $8' \times 21' \times 12.5'$ . of bays

30 Pearl Street ("H" Parcel) - Hotel

\*Sections 13-4 and 19-4

> Side yard required 201; none provided.

Section 24-2

Required size  $10^{1} \times 25^{1} \times 14^{1}$ ; 6 bays  $10^{1} \times 25^{1} \times 12.5^{1}$ of bays provided.

Starred items would not require deviations if the two parcels were treated as one lot, except for floor area ratio, which, on a onelot basis would be reduced to 14.6. The loading bays required for both lots is 11; 10 are provided.

The two lots comply with the Zoning Code definition of a single lot. However, separate financing is being arranged for lots "O" and "H"; the extra deviations are sought to satisfy the requirements of the prospective mortgagees.

The staff finds that the overall floor area ratio and parapet setbacks of the project are in harmony with nearby buildings in the financial district, and that ten loading bays will be sufficient. The whole project would not be feasible without accessory parking for the office tower and some commercial spaces. The number of spaces is modest in comparison with the number in nearby office towers.

The developer and architects, Jung/Brannen Associates, are to be complimented on their responsiveness to the recommendations of the design staff. The structural system was changed in order to achieve a more harmonious treatment of the arcade and corner facing Post Office Square; changes were made to allow greater visual penetration through

the office tower to the hotel atrium; the shadow impact on the Square was shown to be minimal especially at the summertime lunch hour. In addition, the developer has made a commitment to prepare a wind tunnel study for the purpose of obtaining data with which to confirm and/or modify the design of the office building canopy and other nonstructural elements at the street and arcade levels to mitigate (to the extent practicable) any adverse effects from the wind as disclosed by such study.

The basic size and ownership requirements for a Planned Development Area have been met; the design review process has resulted in the Development Plan presented today; the public hearing before the Boston Redevelopment Authority Board has been duly advertised. It should be noted however, that further approval will be required from the Landmarks Commission, for the treatment of the exterior facade of the 1922 building, and from the Air Pollution Control Commission for a commercial parking permit and exemptions for employee and hotel parking.

I therefore recommend that the Boston Redevelopment Authority approve the documents and plans presented, and authorize the Director to petition the Zoning Commission for a Planned Development Area Subdistrict, bounded as described, and that the Authority further authorize the Director to certify plans to be filed with the Building Commissioner in connection with this Planned Development Area Subdistrict as being in conformity with the Development Plan for such Planned Development Area.

VOTED: That in connection with the Development Plan for the parcel of land in Boston Proper bounded by Milk, Pearl, Franklin and Oliver Streets, presented at a Public Hearing duly held at the offices of this Authority on Thursday, April 19, 1979, and after consideration of the evidence presented at that hearing, the Boston Redevelopment Authority finds that: (1) The said Plan conforms to the General Plan of the City of Boston as a whole, and with plans for the Central Business District; (2) Nothing in the said Plan will be injurious to the neighborhood or otherwise detrimental to the public welfare; and (3) The said Plan does adequately and sufficiently satisfy all other criteria and specifications for a Planned Development Area subdistrict designation, as set forth by the Zoning Code of the City of Boston as amended; and further

VOTED: Pursuant to the provisions of Article 3, Section 1 Å, of the Zoning Code of the City of Boston, as amended, the Boston Redevelopment Authority hereby approves the Development Plan for the parcel of land bounded by Milk, Pearl, Franklin and Oliver Streets. Said Development Plan is embodied in a written document entitled "Development Plan for Planned Development Area No. 11, Post Office Square Company and Pearl Street Company, Developers," dated April , 1979, and in a series of

plans listed in Exhibit I in said document. Said document and plans shall be on file in the offices of the Authority. The Authority hereby authorizes the Director to petition the Zoning Commission of the City of Boston for a Planned Development Area subdistrict designation for said parcel and to certify, in the name of the Authority, that plans submitted to the Building Commissioner in connection with this Plan are in conformity with the said Development Plan; and further

VOTED

That in reference to Petition Nos. Z-4422, by the Pearl Street Company and Z-4423, by the Post Office Square Company, for exceptions for three conditional uses and six dimensional deviations in a general business (B-10-D) planned development area subdistrict, and in a restricted parking district, the Boston Redevelopment Authority recommends approval provided that the final plans be submitted to the Authority for design review to ensure that the plans are consistent with the plans previously approved by the Authority. This recommendation will not be valid unless or until the Boston Zoning Commission duly adopts a map amendment designating the land involved a B-10-D zoning district.

